

Message Text

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PAGE 01 USBERL 02556 301207Z
ACTION DRC-01

INFO OCT-01 EUR-12 ISO-00 L-03 A-01 PA-01 /019 W
-----109447 301215Z /41

P R 301122Z SEP 77
FM USMISSION USBERLIN
TO SECSTATE WASHDC PRIORITY 5402
INFO AMEMBASSY BONN

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DEPARTMENT FOR FADRC - MACHAK AND L/M - HUMMER

E.O. 11652: N/A
TAGS: AINF, GW
SUBJECT: BERLIN DOCUMENT CENTER

REF: BONN 15889

1. FOLLOWING ARE USBER COMMENTS ON POINTS RAISED REFTEL PARA 1.

2. WHAT FORM U.S. "CUSTODY" OF RECORDS TAKES?

RECORDS ARE PRESENTLY IN POSSESSION OF U.S. GOVERNMENT
AND ADMINISTERED IN THEIR ENTIRETY BY AMERICAN DIRECTOR WHO
EXERCISES COMPLETE CONTROL OF CENTER, UNDER SUPERVISION OF US
MISSION BERLIN. ACTION OFFICER AT MISSION IS LEGAL ADVISER.

3. WHO MAKES DETERMINATIONS ON REQUESTS FOR ACCESS TO THE
RECORDS?

THE DIRECTOR, BDC DETERMINES ACCESS ON ALL REQUESTS IN
ACCORDANCE WITH ESTABLISHED ACCESS POLICY, WITH EXCEPTION
OF THOSE IN DOUBT, WHICH ARE PROCESSED THROUGH THE LEGAL
ADVISER. BDC DIRECTOR IS AMERICAN CITIZEN UNDER CONTRACT WITH
U.S. MISSION.

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4. IS U.S. SOLE CUSTODIAN, OR DOES U.S. HAVE "CUSTODY"
ON BEHALF OF THE THREE ALLIED POWERS IN BERLIN BECAUSE
DOCUMENTS ARE PHYSICALLY LOCATED IN U.S. SECTOR?
(REFTEL REFERRED TO U.S. "ZONE." BERLIN IS DIVIDED INTO
"SECTORS.")

U.S. HAS SOLE CUSTODIANSHIP OF BDC RECORDS. UP
UNTIL 1968 AMERICANS AND BRITISH HAD JOINT CUSTODIANSHIP
OF THE RECORDS OF THE REICH CULTURE CHAMBER, WHICH WERE LOCATED
IN THE BDC; HOWEVER AT THAT TIME DUE TO NEGOTIATIONS BEING CONDUCTED FOR POSSIBLE TURN OVER OF BDC RECORDS
TO FRG, BRITISH REMOVED THOSE RECORDS FROM THE CULTURE CHAMBER
OF INTEREST TO THEM (PRIMARILY ONES DEALING WITH DE-NAZIFICATION). THERE IS NO RECORD OF HOW MANY RECORDS WERE REMOVED
OR IF BRITISH FORMALLY RELINQUISHED CONTROL OF RECORDS WHICH
REMAINED.

5. DOES ARMY HAVE ANY ROLE IN "CUSTODY" OF DOCUMENTS?

NO. CONTROL OF BDC RECORDS WAS TURNED OVER TO
STATE DEPARTMENT IN 1953 DUE TO GROWING POLITICAL SENSITIVITY
OF BDC RECORDS.

6. WOULD MICROFILM OF RECORDS, ONCE TURNED OVER TO
U.S. NATIONAL ARCHIVES, BE SUBJECT TO FREEDOM OF INFORMATION
ACT?

MISSION NOTES THAT DEPARTMENT HAS EXCLUDED BDC FROM
AMBIT OF FOIA. AS DEPARTMENT IS AWARE, IN DISCUSSIONS WITH
FRG ON TRANSFER OF CONTROL OF BDC RECORDS TO FRG SOME
THOUGHT HAS BEEN GIVEN TO ACCOMPLISHING TRANSFERS VIA
BILATERAL AGREEMENT. MISSION IS NOT IN BEST POSITION TO
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ASSESS WHETHER MICROFILMED BDC RECORDS ONCE IN POSSESSION OF
U.S. NATIONAL ARCHIVES WOULD BE EXCLUDABLE FROM AMBIT
OF FOIA; NOR WHETHER TERMS OF A BILATERAL AGREEMENT ON
TRANSFER WOULD AFFECT EXCLUDABILITY OF BDC MICROFILMED RECORDS
FROM AMBIT OF FOIA. WE DEFER TO DEPARTMENT FOIA EXPERTS.
GEORGE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 30-Sep-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977USBERL02556
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770356-1223
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977091/aaaaabaj.tel
Line Count: 100
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d83e7538-c288-dd11-92da-001cc4696bcc
Office: ACTION DRC
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Previous Handling Restrictions: n/a
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Review Content Flags:
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Review Release Date: n/a
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SAS ID: 1057153
Secure: OPEN
Status: NATIVE
Subject: BERLIN DOCUMENT CENTER
TAGS: AINF, GE
To: STATE
Type: TE
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